

AMENDED IN SENATE MARCH 24, 2010

**SENATE BILL**

**No. 1026**

---

**Introduced by Senator Wyland**

February 12, 2010

---

~~An act to amend Section 4651.2 of the Labor Code, relating to workers' compensation. An act to add Section 1347.3 to the Penal Code, relating to criminal procedure.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1026, as amended, Wyland. ~~Workers' compensation. Sex offenses: conditional exam of minor victims.~~

*Existing law provides for the examination of witnesses conditionally under certain circumstances, including when a material witness for the defendant, or for the people, is about to leave the state, or is so sick or infirm as to afford reasonable grounds for apprehension that he or she will be unable to attend the trial. Existing law provides for the contemporaneous examination and cross-examination by closed-circuit television of minor witnesses 13 years of age or younger if the court makes specified findings.*

*This bill would provide that when a defendant has been charged with a sex offense for which registration as a sex offender is required, the alleged victim, if he or she is under 18 years of age, may be examined conditionally, for any evidentiary proceeding in the case and without the presence of the defendant, upon a finding by the court that emotional trauma to the alleged victim would result if the defendant is present during the examination, as specified.*

~~Existing law establishes a workers' compensation system to compensate an employee for injuries sustained in the course of employment. Under this system, the Workers' Compensation Appeals~~

~~Board has jurisdiction to determine these claims. Existing law prohibits petitions filed with the appeals board concerning a continuing temporary disability award from being granted while the injured worker is pursuing a rehabilitation plan.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1347.3 is added to the Penal Code, to  
2     read:  
3     1347.3. Notwithstanding any other law, when a defendant has  
4     been charged with an offense specified in subdivision (c) of Section  
5     290, the alleged victim, if he or she is under 18 years of age, may  
6     be examined conditionally, for any evidentiary proceeding in the  
7     case and without the presence of the defendant, upon a finding by  
8     the court, supported by an examination and report of a qualified  
9     psychologist or psychiatrist, that emotional trauma to the alleged  
10    victim would result if the defendant is present during the  
11    examination.  
12    SECTION 1. ~~Section 4651.2 of the Labor Code is amended to~~  
13    ~~read:~~  
14    ~~4651.2. No petitions filed under Section 4651.1 shall be granted~~  
15    ~~while the injured worker is pursuing a rehabilitation plan under~~  
16    ~~Section 139.5.~~